

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PHH MORTGAGE CORPORATION,

Plaintiff,

v.

DONAVAN MILLER,

Defendant.

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Civil Action No. 3:22-cv-00664

REQUEST FOR CLERK'S ENTRY OF DEFAULT

Plaintiff PHH Mortgage Corporation ("Plaintiff") by and through its undersigned counsel, on behalf of itself and its successors and assigns in interest, hereby files this its Request for Clerk's Entry of Default, and states as follows:

1. Plaintiff filed its Original Complaint against Defendant Donovan Miller ("Defendant") on March 22, 2022. [ECF Docket No. 1].
2. Defendant Donovan Miller was served via personal service on March 29, 2022, by personally delivering a copy of the summons and Plaintiff's Original Complaint to Patricia J. Miller, his mother, an individual of suitable age who resides at Defendant's residence at 121 Jenny Kay Lane Irving, Texas 75060. [ECF Docket No. 5]. His answer or other response to the Original Complaint was due on April 19, 2022. FED. R. CIV. P. 12(a)(1)(A)(i).
3. Defendant has not answered or otherwise appeared in this action.
4. The court clerk may enter default against a party who has not filed a responsive pleading or otherwise defended a suit. FED. R. CIV. P. 55(a); *N.Y. Life Ins. Co. v. Brown*, 84 F.3d 137, 141 (5th Cir. 1996).
5. Plaintiff requests the clerk enter default against Defendant because he did not file

a responsive pleading within 21 days after service of the Original Complaint. *See* FED. R. CIV. P. 12(a)(1)(A)(i). Defendant has not otherwise attempted to defend against the Original Complaint. *See* FED. R. CIV. P. 55.

6. Plaintiff meets the requirements for obtaining an entry of default from the clerk as demonstrated by the Declaration of Vivian N. Lopez attached hereto as **Exhibit A** and incorporated by reference for all purposes.

7. Defendant is not on active-duty military status. *See* **Exhibit A-1**.

8. Plaintiff is entitled to an entry of default as to Defendant because he did not answer or otherwise defend the Original Complaint.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that clerk enter a default as to Defendant on its claims and grant it such other and further relief to which it may be justly entitled.

Respectfully submitted,

By: /s/ Vivian N. Lopez
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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

The undersigned certifies that on April 21, 2022, a copy of the above and foregoing document was served on the following Defendant in the manner described below:

Via CMRRR#9314 7699 0430 0094 5819 70

and U.S. Mail:

Donavan Miller
121 Jenny Kay Lane
Irving, Texas 75060

/s/ Vivian N. Lopez
VIVIAN N. LOPEZ